

ESTTA Tracking number: **ESTTA441902**

Filing date: **11/18/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91200834
Party	Plaintiff Chicago Cubs Baseball Club, LLC
Correspondence Address	ROBERT A RIETHER COWAN LIEBOWITZ & LATMAN PC 1133 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES rar@cjl.com, jmn@cjl.com, trademark@cjl.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Robert Riether
Filer's e-mail	rar@cjl.com, trademark@cjl.com, jmn@cjl.com
Signature	/Robert Riether/
Date	11/18/2011
Attachments	1278081_1.pdf (3 pages)(11368 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/037,368
Filed: May 13, 2010
For Mark: C and Design
Published in the Official Gazette: January 25, 2011

-----	X	
CHICAGO CUBS BASEBALL CLUB, LLC,	:	
	:	
Opposer,	:	Opposition No. 91200834
	:	
v.	:	
	:	
UNITED SERVICES AUTOMOBILE	:	
ASSOCIATION,	:	
	:	
Applicant.	:	
-----	X	

**MOTION ON CONSENT TO CONTINUE SUSPENSION OF PROCEEDINGS
AND TO EXTEND DISCOVERY PERIOD IF OPPOSITION IS RESUMED**

Opposer, by and through counsel, hereby moves for an order continuing the suspension of the proceedings in this matter for a period of three (3) months, until **February 25, 2012**.

Applicant's counsel consented to this motion, which is requested to allow the parties to continue to engage in settlement discussions.

Progress has been made toward a resolution of this matter. Counsel for both parties have had settlement discussions and exchanged comments for a proposed settlement agreement. The additional time is requested for Opposer to review a revised draft of the agreement prepared by Opposer's counsel that reflects Applicant's comments and for the parties to resolve any remaining terms of the agreement as necessary. If accepted, the settlement agreement would resolve this matter without the need to proceed with the opposition proceedings.

In the event that the Board denies this motion, Opposer consents to an extension of time for Applicant to file an answer or otherwise respond to the Notice of Opposition until sixty (60) days after such denial.

If the Board grants this motion, the Board should also reset Applicant's time to answer or otherwise respond to the Notice of Opposition. Additionally, the parties request that six (6) months of discovery be allowed and that the discovery cutoff be reset to six (6) months after the proceedings resume so that the parties will have the full period of discovery in the event that the matter is not able to be resolved. The trial periods and other periods should be reset accordingly.

Dated: New York, New York
November 18, 2011

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Robert A. Riether/

Mary L. Kevlin
Richard S. Mandel
Robert A. Riether

1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 18, 2011, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant and Correspondent of Record, United Services Automobile Association, 9800 Fredericksburg Rd, San Antonio, TX 78288-0001, Attn: Manuel Rivera.

/Robert A. Riether/
Robert A. Riether